IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.19614 of 1995

Between:

Mohd. Islamuddin
S/o Mohd. Hasim
R/o Medak

..... PETITIONER

AND

1 The Registrar (Admn).,
High Court of A.P. Hyderabad.
2 The District & Session Judge
Medak at Sangareddy

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction particularly one in the nature of certiorari: a) Calling for the records pertaining to the case no.Roc.2344/92.C.Spl (Con) dt.21.4.95 confirming the order dated 20.3.87 by the 2nd respondent and same may be quashed as arbitrary and illegal. b) granting all consequential benefits like arrears of the salary, seniority and promotion benefits, c) awarding costs.

Counsel for the Petitioner : Sri M.RAMA RAO

Counsel for the Respondents : Smt. M.Bhaskara Lakshmi

(S.C. for A.P.H.C.)

The Court made the following :

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ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioner was working as Deputy Nazir in Munsif Magistrate's Court, Andolu at Jogipet. On receipt of report of Munsif Magistrate, Andolu, with regard to irregularities in disposal of case properties in C.C.Nos.139 of 1982; 2 of 1983 and 17 of 1983 on the file of Munsif Magistrate's Court, Andolu at Jogipet, namely four tonnes of chloral hydrate, departmental enquiry was ordered against the petitioner and three others. The Munsif Magistrate, Narayankhed, was appointed as Enquiry officer, four charges were framed against the petitioner and enquiry proceeded in accordance with law, during which sufficient opportunity was afforded to the petitioner. Enquiry Officer in his report found three charges proved against the petitioner, but the charge of securing pecuniary benefit was not found proved. After supplying copy of enquiry report and calling for the petitioner's explanation and representation, disciplinary authority accepted the findings of the Enquiry Officer and awarded punishment of compulsory retirement by order dated 20th March, 1997. This order of imposing punishment, the petitioner had challenged by filing statutory appeal after a lapse of almost seven years. Irrespective of such enormous delay, the appeal was duly considered by the Committee of Hon'ble Judges, which found no ground to interfere with the enquiry proceedings or with the punishment imposed upon the petitioner, and therefore proposed dismissal of the appeal. Appeal accordingly was dismissed and the order was conveyed to the petitioner by the Registrar (Management), High Court of Andhra Pradesh, as follows:

> " After consideration of the appeal of Sri Md. Islamuddin, Deputy Nazir, Munsif Magistrate's Court, Andole, 2nd read above, and the order of the District Judge, Medak, 1st read above, the High Court holds that there are no grounds to interfere

with the orders of the District Judge, and apart from it the appeal is filed with enormous delay and that, therefore the appeal is liable to be dismissed.

Accordingly, the appeal of Sri Md. Islamuddin, 2nd read above is hereby dismissed."

The above order of dismissal of appeal and imposing the punishment of compulsory retirement has now been challenged by filing the writ petition. One of the reasons vehemently urged by the learned counsel for the petitioner before us is that the appellate authority was supposed to apply its mind to the facts of the case, and was supposed to dispose of the appeal in accordance with law by reasoned order, and the order disposing of the appeal does not disclose any reason whatsoever, and therefore, the order is bad in law. He has also urged that the order of imposing the punishment is not sustainable inasmuch as there is no misconduct or improper conduct on the part of the petitioner and the charge of pecuniary gain was not proved, therefore the punishment imposed was disproportionate to the charges proved.

We have duly considered the submissions made at the Bar. The submission that reasons in disposing of the appeal are not assigned, is misconceived. We had called for the file from the Registry and find that the Committee of five Hon'ble Judges duly considered the appeal along with the representation of the petitioner, and each of them agreed that there was no ground to interfere with the well-reasoned order passed by the disciplinary authority in having accepted the enquiry report and then imposed punishment considering the gravity of the charges. It is a detailed order passed by the Committee of five Hon'ble Judges containing reasons. What has been conveyed to the petitioner is the ultimate order as to the fate of his appeal that the same was duly considered and no ground is

made out to interfere with the order of the District Judge, Medak. The relevant Rules nowhere require the petitioner to be supplied with reasons of dismissal of his appeal. Before filing of writ petition, petitioner at no point of time had asked the respondents to supply reasons for dismissal of appeal. Submission by the learned counsel for the petitioner that reasons are required to be conveyed is not acceptable. Unless the Rule governing the appeals in the Service Rules enjoins upon the employer to convey reasons of disposal of appeals, there is no obligation on the part of employer to disclose such reasons. We have gone through the entire file relating to petitioner's appeal and are not persuaded to take a different view than the view taken by the disciplinary authority and Enquiry Officer, and it is the only view that is possible on the basis of evidence adduced before him. We find no ground to interfere with the order passed by the disciplinary authority imposing the punishment or with the punishment since the punishment imposed is not disproportionate to the charges proved against the petitioner.

The Writ Petition is dismissed.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

10-03-2005

bsc

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar (Admn).,
High Court of A.P. Hyderabad.
2 The District & Session Judge
Medak at Sangareddy

3) 2 CD copies

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